

## REMARKS

Claims 1-49 are pending. Claims 8 and 28 are amended herein.

### Examiner's Interview

On July 14, 2004, John P. Wagner, Jr. (Attorney for the Applicants) and Examiner Hoffman conducted a telephone interview to discuss the claims of the present invention in light of the cited prior art references. Applicants thank the Examiner for taking the time to participate in the interview.

### 103(a) Rejections

Claims 1, 2, 4-8, 12-14, 17-22, 24-28, 32-37, 39-42 and 44-48

The instant Office Action states that Claims 1, 2, 4-8, 12-14, 17-22, 24-28, 32-37, 39-42 and 44-48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamanaka (US Patent No. 6,603,883) in view of McGough (US Patent No. 6,445,797). The Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 1, 2, 4-8, 12-14, 17-22, 24-28, 32-37, 39-42 and 44-48 is not anticipated nor rendered obvious by Hamanaka and McGough, alone or in combination.

Applicants respectfully submit that there must be some suggestion or motivation to combine Hamanaka and McGough. Applicants respectfully contend that there is no such suggestion or motivation in either Hamanaka or McGough. Applicants respectfully note that Hamanaka makes no mention of encryption, and McGough makes no mention of encoding (compression).

Applicants respectfully disagree with the statements in the instant Office Action that it would have been obvious to one of ordinary skill in the art to combine the teachings of Hamanaka and McGough. Applicants respectfully submit that, at the time of the claimed invention, it was not obvious to combine the teachings of Hamanaka and McGough.

Applicants respectfully submit that the existing level of ordinary skill in the art at the time the claimed invention was made is summarized in the background art section of the instant application. As described therein, the prior art was problematic for many reasons, which can be generally summarized as a lack of capability to scale (e.g., transcode) data in a secure manner. It is reasonable to infer that these problems would not have persisted had the claimed invention been obvious. Instead, those of ordinary skill in the art continued to encounter the disadvantages of the prior art without obvious solution. Applicants respectfully assert that the fact that progressive encryption of scalably encoded data, as recited in the claims, was not implemented by those skilled in the art prior to the invention provides evidence of the nonobviousness of the present claimed invention.

Applicants respectfully submit that, even in combination, Hamanaka and McGough at best only describe a method or system that is described by, and shares the problems of, the prior art described in the background art section of the instant application.

In addition, Applicants respectfully submit that McGough (alone or in combination with Hamanaka) does not show or suggest “progressive encryption.” According to the instant application, “progressive encryption methods have the property that the first portion of the data is encrypted independently, then later portions are encrypted based on earlier

portions" (see at least page 14, lines 31-33, of the instant application). Applicants understand McGough to describe a block cipher. However, Applicants respectfully submit that McGough (alone or in combination with Hamanaka) does not show or suggest a progressive encryption method. That is, Applicants did not find McGough (alone or in combination with Hamanaka) to show or suggest independently encrypting a first portion of data and encrypting later portions of data based on earlier (encrypted) portions.

Specifically, Applicants respectfully submit that Hamanaka and McGough (alone or in combination) do not show or suggest progressive encryption of scalably encoded data, nor packetization of progressively encrypted scalably encoded data, as recited in independent Claims 1, 13, 21. Also, Applicants respectfully submit that Hamanaka and McGough (alone or in combination) do not show or suggest decrypting a packet containing progressively encrypted scalably encoded data, as recited in independent Claims 33, 39 and 44.

Therefore, Applicants respectfully submit that Hamanaka and McGough (alone or in combination) do not show or suggest the embodiments of the present claimed invention recited in independent Claims 1, 13, 21, 33, 39 and 44, and that these claims are considered patentable over Hamanaka and McGough (alone or in combination). Because Claims 2, 4-8, 12, 14, 17-20, 22, 24-28, 32, 34-37, 40-42 and 45-48 depend from Claims 1, 13, 21, 33, 39 or 44 and contain additional limitations that are patentably distinguishable over Hamanaka and McGough (alone or in combination), these claims are also considered patentable over Hamanaka and McGough (alone or in combination). Therefore, Applicants respectfully submit that the basis for rejecting

Claims 1, 2, 4-8, 12-14, 17-22, 24-28, 32-37, 39-42 and 44-48 under 35 U.S.C. § 103(a) is traversed.

Claims 3, 15, 16, 23, 38, 43 and 49

Claims 3, 15, 16, 23, 38, 43 and 49 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamanaka as modified by McGough and further in view of Yamaguchi et al. ("Yamaguchi;" US Patent No. 5,818,531). The Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 3, 15, 16, 23, 38, 43 and 49 is not anticipated nor rendered obvious by Hamanaka, McGough and Yamaguchi, alone or in combination.

As presented above, Applicants respectfully submit that Hamanaka and McGough, alone or in combination, do not show or suggest the embodiments of the present claimed invention recited in independent Claims 1, 13, 21, 33, 39 and 44. Claim 3 is dependent on Claim 1 and recites additional limitations. Claims 15 and 16 are dependent on Claim 13 and recite additional limitations. Claim 23 is dependent on Claim 21 and recites additional limitations. Claim 38 is dependent on Claim 33 and recites additional limitations. Claim 43 is dependent on Claim 39 and recites additional limitations. Claim 49 is dependent on Claim 44 and recites additional limitations.

Applicants respectfully submit that Yamaguchi does not overcome the shortcomings of Hamanaka and McGough. Applicants respectfully submit that Yamaguchi, alone or in combination with Hamanaka and McGough, does not show or suggest progressive encryption, progressively encrypting data, or decrypting progressively encrypted data, as recited in the independent claims.

Therefore, Applicant respectfully submits that Hamanaka, McGough and Yamaguchi, alone or in combination, do not show nor suggest the present invention as recited in independent Claims 1, 13, 21, 33, 39 and 44, and that these claims are considered patentable over Hamanaka, McGough and Yamaguchi (alone or in combination). Because Claims 3, 15, 16, 23, 38, 43 and 49 depend from Claims 1, 13, 21, 33, 39 or 44 and contain additional limitations that are patentably distinguishable over Hamanaka, McGough and Yamaguchi (alone or in combination), these claims are also considered patentable over Hamanaka, McGough and Yamaguchi (alone or in combination). Therefore, Applicants respectfully submit that the basis for rejecting Claims 3, 15, 16, 23, 38, 43 and 49 under 35 U.S.C. § 103(a) is traversed.

Claims 9-11 and 29-31

Claims 9-11 and 29-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamanaka as modified by McGough and further in view of Van der Auwera et al. ("Van der Auwera;" US Patent No. 6,532,265). The Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 9-11 and 29-31 and 49 is not anticipated nor rendered obvious by Hamanaka, McGough and Van der Auwera, alone or in combination.

As presented above, Applicants respectfully submit that Hamanaka and McGough, alone or in combination, do not show or suggest the embodiments of the present claimed invention recited in independent Claims 1 and 21. Claims 9-11 are dependent on Claim 1 and recite additional limitations. Claims 29-31 are dependent on Claim 21 and recite additional limitations.

Applicants respectfully submit that Van der Auwera does not overcome the shortcomings of Hamanaka and McGough. Applicants respectfully submit that Van der Auwera, alone or in combination with Hamanaka and McGough, does not show or suggest progressive encryption, progressively encrypting data, or decrypting progressively encrypted data, as recited in the independent claims.

Therefore, Applicant respectfully submits that Hamanaka, McGough and Van der Auwera, alone or in combination, do not show nor suggest the present invention as recited in independent Claims 1 and 21, and that these claims are considered patentable over Hamanaka, McGough and Van der Auwera (alone or in combination). Because Claims 9-11 and 29-31 depend from Claims 1 or 21 and contain additional limitations that are patentably distinguishable over Hamanaka, McGough and Van der Auwera (alone or in combination), these claims are also considered patentable over Hamanaka, McGough and Van der Auwera (alone or in combination). Therefore, Applicants respectfully submit that the basis for rejecting Claims 9-11 and 29-31 under 35 U.S.C. § 103(a) is traversed.

### Conclusions

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims.

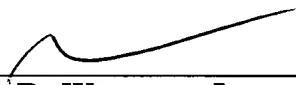
Based on the arguments presented above, Applicants respectfully assert that Claims 1-49 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

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